

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Luckey Farmers, Inc.,

Case No. 3:23-cv-926

Plaintiff,

v.

ORDER

Christopher Histed, et al.,

Defendants.

On May 5, 2023, Defendants removed this action from the Sandusky County, Ohio Court of Common Pleas, asserting this court has original diversity jurisdiction over the matter. (Doc. No. 1).

For a district court to have original diversity jurisdiction over a case, complete diversity must exist between the parties to the dispute. 28 U.S.C. § 1332(a). To satisfy the diversity jurisdiction requirements, the dispute must be between citizens of different states. 28 U.S.C. § 1332(a)(1). “[A] limited liability company has the citizenship of each of its members.” *Delay v. Rosenthal Collins Grp., LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Accordingly, “[w]hen diversity jurisdiction is invoked in a case in which a limited liability company is a party, the court needs to know the citizenship of each member of the company. And because a member of a limited liability company may itself have multiple members—and thus may itself have multiple citizenships—the federal court needs to know the citizenship of each ‘sub-member’ as well.” *Id.*

Defendants have not satisfied this well-settled precedent. In the Notice of Removal, Defendants state Defendant Histed Farms, LLC “is incorporated under the laws of Michigan.” (Doc. No. 1 at 2). But according to the website of the Michigan Department of Licensing and

Regulatory Affairs, Histed Farms, LLC is not an incorporated entity. Instead, as its name suggests, it is an LLC. Therefore, the citizenship of Histed Farms, LLC is determined by the citizenship of each of its members and sub-members. Because Defendants have not provided this information, I cannot conclude diversity jurisdiction was properly invoked. *See Delay*, 585 F.3d at 1005.

To maintain this action in federal court, *see* 28 U.S.C. § 1447(c), Defendants must supplement their Notice of Removal by filing an affidavit of jurisdiction on or before May 19, 2023. In the affidavit, Defendants shall identify each member and sub-member, if applicable, of Defendant Histed Farms, LLC. This “must be traced through however many layers of partners or members there may be.” *Meyerson v. Harrah’s E. Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002). For each member and sub-member, Defendants shall state jurisdictional allegations sufficient for me to determine the citizenship of that member (e.g., the domicile of individuals, the place of incorporation and principal place of business of corporations).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge